

**Remarks**

Claims 1, 2, 4, 5, 8, 11, 13-15 and 20-30 are pending in this application. Claims 11 and 13-15 have been withdrawn from consideration. All of the claims stand rejected. Applicants note that the previous rejections under 35 U.S.C. §§ 102 and 103 have been withdrawn and that new rejections under 35 U.S.C. §§ 102 and 112 have been made in the Office action dated December 13, 2007.

In this amendment, claims 1, 4, 5, 8, 13-15, 20, 21, 23, 24, 26, 27, 29 and 30 have been amended. Claims 1, 4, 5, 8, and 13-15 have been amended to clarify that "a base sequence" refers to a "complete" base sequence of each of the sequences specified by SEQ ID numbers. Claims 1, 20, 21, 23, 24, 26, 27, 29 and 30 have been amended to delete SEQ ID NO:5. Dependent claims 20, 21, 23, 24, 26, 27, 29 and 30 have also been amended to remove repetitive language. No new matter has been added by these amendments. Applicants respectfully request entry of these amendments and reconsideration of the application in view of the amendments and the remarks that follow.

**Claim Rejections under 35 U.S.C. §112**

Claims 1, 2, 4, 5, 8, and 20-30 stand rejected under § 112, second paragraph as being allegedly indefinite with regard to the phrase "... a base sequence selected from the group consisting of ...." Applicants have amended claims 1, 4, 5, 8 and 13 to 15 to clarify that the claims refer to a "complete" base sequence for each of the sequences in the group specified by SEQ ID numbers following the phrase. Dependent claims 20, 21, 23, 24, 26, 27, 29, and 30 have been amended to remove the phrase "a base sequence selected from ..." Therefore, Applicants believe that the rejections based on use of the "... a base sequence selected from ..." phrase have been overcome for claims 1, 2, 4, 5, 8, and 20-30. Applicants believe that these amendments are supported by the disclosure as filed and request withdrawal of the rejections under §

112, second paragraph and seek allowance of the amended claims.

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1 and 2 stand rejected under 35 U.S.C. 102(e) based on the disclosure of Kacian et al. (U.S. Patent 5,871,975), specifically based on Kacian et al.'s SEQ ID NO:7 compared to Applicants' SEQ ID NO:5.

Claims 1, 20, 21, 23, 24, 26, 27, 29 and 30 have been amended to delete SEQ ID NO:5 from the claims.

Applicants request withdrawal of the rejections of claims 1 and 2 based on the new rejection under § 102(e), and seek allowance of the application.

### **Rejoinder of Withdrawn Claims**

Dependent method claims 11 and 13 to 15 have been withdrawn from consideration. Applicants have amended claims 13 to 15 to make them consistent with the pending composition claims. Applicants request rejoinder of the withdrawn method claims if the composition claims from which they depend are found allowable.

### **Fee Authorization**

Authorization is hereby provided to debit any and all fees due in connection with the filing of this amendment from Deposit Account No. 07-0835, maintained in the name of Gen-Probe Incorporated. This includes the required fee for an extension of time for response to the Office action dated December 13, 2007.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims, as amended, are patentable and in condition for allowance. Accordingly, withdrawal of the rejections and allowance of the application is earnestly


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solicited. The undersigned has made a good-faith effort to address all the points raised in the last Office action and to place the claims in condition for continued examination and allowance. If minor matters remain that could be resolved by a telephone interview, the Examiner is invited to contact Applicants' representative at the number below.

Respectfully submitted,

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